

AMENDED IN ASSEMBLY JUNE 12, 2006

SENATE BILL

No. 1845

**Introduced by ~~Committee on Natural Resources and Water~~
(~~Senators Kuehl (Chair), Aanestad, Kehoe, Lowenthal,~~
~~Machado, Margett, and Migden~~)*Senator Kuehl***

March 7, 2006

~~An act to amend Sections 104 and 207 of the Fish and Game Code, relating to fish and game. An act to amend Sections 35600 and 35625 of the Public Resources Code, relating to natural resources.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1845, as amended, ~~Committee on Natural Resources and Water Kuehl. Fish and Game Commission. Natural resources: Ocean Protection Council.~~

(1) *The California Ocean Protection Act establishes the Ocean Protection Council in state government. The act provides that the council consists of the Secretary of the Resources Agency, the Secretary for Environmental Protection, and the Chair of the State Lands Commission. The act requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems, and to establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies.*

This bill would provide that the council additionally consists of 2 members of the public appointed by the Governor for a specified term, and with specified qualifications.

(2) *The act to the extent funds are available permits the council to contract for consultants to provide educational, scientific, on administrative services.*

The bill would instead authorize the council to hire a science advisor and an executive policy officer.

~~(1) Existing law creates the Fish and Game Commission, and permits the commission to employ a secretary. Existing law specifies that neither the commission nor the secretary shall have or be given any powers in relation to the administration of the Department of Fish and Game.~~

~~This bill would instead permit the commission to employ an executive director, who would not have and could not be given any powers relating to administration of the department.~~

~~(2) Existing law delegates to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles, as provided. Existing law requires the commission to exercise its powers by regulation, and specifies the scope of regulations the commission may adopt. Existing law requires the commission to hold meetings in the first 10 days of the months of February, March, and April at least once every 3 years for the purpose of considering and adopting revisions to regulations relating to mammals, and specifies the location of those meetings. Existing law requires the commission to perform certain functions at the February, March, and April meetings.~~

~~This bill would instead require the commission to hold meetings in the first 10 days of the months of February, April, and August. The bill would make corresponding changes in the locations of the meetings, and would modify the months in which the commission is required to perform specified functions at or after the meetings.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 35600 of the Public Resources Code is*
- 2 *amended to read:*
- 3 35600. (a) The Ocean Protection Council is established in
- 4 state government. The council consists of the Secretary of the
- 5 Resources Agency, the Secretary for Environmental Protection,
- 6 and the Chair of the State Lands Commission, *and two members*
- 7 *of the public appointed by the Governor.*
- 8 (b) *The two public members shall each serve a term of four*
- 9 *years, and may each be reappointed to one additional term. It is*

1 *the intent of the Legislature that the public members of the*
2 *council demonstrate the highest standards of leadership,*
3 *scholarship, and knowledge of contemporary ocean conservation*
4 *issues. One of the public members shall demonstrate expertise on*
5 *public policy issues important to ocean conservation, and the*
6 *other public member shall be a recognized expert from a*
7 *scientific discipline that is directly relevant to the protection of*
8 *ocean resources.*

9 *SEC. 2. Section 35625 of the Public Resources Code is*
10 *amended to read:*

11 35625. (a) Under the direction of the Secretary of the
12 Resources Agency, the executive officer of the State Coastal
13 Conservancy shall act as secretary to the council, administer its
14 affairs, and provide the staff services that the council needs to
15 carry out this division, including, but not limited to, both of the
16 following:

17 (1) Administering grants and expenditures authorized by the
18 council from the fund or other sources, including, but not limited
19 to, block grants from other state boards, commissions, or
20 departments.

21 (2) Arranging meetings, agendas, and other administrative
22 functions in support of the council.

23 (b) The Legislature may make appropriations to be used for
24 the purposes of this division directly to the State Coastal
25 Conservancy, for expenditures authorized by the council.

26 (c) *The council may hire a science advisor and an executive*
27 *policy officer.*

28 ~~SECTION 1. Section 104 of the Fish and Game Code is~~
29 ~~amended to read:~~

30 ~~104. The commission may employ an executive director, but~~
31 ~~neither the commission nor the executive director shall have or~~
32 ~~be given any powers in relation to the administration of the~~
33 ~~department.~~

34 ~~SEC. 2. Section 207 of the Fish and Game Code is amended~~
35 ~~to read:~~

36 ~~207. (a) In addition to, or in conjunction with, other regular~~
37 ~~or special meetings, the commission shall hold meetings in the~~
38 ~~first 10 days of the months of February, April, and August at~~
39 ~~least once every three years for the purpose of considering and~~
40 ~~adopting revisions to regulations relating to mammals. The~~

~~1 commission shall alternate the location of the August meeting
2 between Sacramento and Los Angeles or Long Beach. The
3 commission shall alternate the location of the February meeting
4 between San Diego and Redding or Red Bluff. The commission
5 shall alternate the location of the April meeting between
6 Sacramento and Los Angeles or Long Beach.~~

~~7 (b) At the August meeting, the commission shall receive
8 recommendations for regulations from its own members and
9 staff, the department, other public agencies, and the public.~~

~~10 (c) At the February meeting, the commission shall devote time
11 for open public discussion of proposed regulations presented at
12 the August meeting. The department shall participate in this
13 discussion by reviewing and presenting its findings regarding
14 each regulation proposed by the public and by responding to
15 objections raised pertaining to its proposed regulations. After
16 considering the public discussion, the commission shall
17 announce, prior to adjournment of the February meeting, the
18 regulations it intends to add, amend, or repeal relating to
19 mammals.~~

~~20 (d) At, or within 20 days after, the April meeting, the
21 commission may choose to hear additional public discussion
22 regarding the regulations it intends to adopt. At, or within 20
23 days after, the meeting, the commission shall add, amend, or
24 repeal regulations relating to any recommendations received at
25 the February meeting regarding mammals that it deems necessary
26 to preserve, properly utilize, and maintain each species or
27 subspecies.~~

~~28 (e) Within 45 days after adoption, the department shall publish
29 and distribute regulations adopted pursuant to this section.~~